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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF WASHINGTON**

10 CURTIS LOBDELL and DANIELLE  
11 LOBDELL, husband and wife; and the marital  
community comprised thereof,

12 Plaintiff,

13  
14 vs.

15 COUNTY OF SPOKANE, CITY OF AIRWAY  
16 HEIGHT, SPOKANE COUNTY SHERIFF  
17 OZZIE KNEZOVICH, SPOKANE COUNTY  
18 SHERIFF DEPUTY GIACOMINI, SPOKANE  
19 COUNTY SHERIFF DEPUTY GUNTER,  
20 AIRWAY HEIGHTS POLICE CHIEF BRAD  
21 RICHMOND, AIRWAY HEIGHTS OFFICER  
PATRICK CARBAUGH, AIRWAY HEIGHTS  
OFFICER ROBERT SWAN, AIRWAY  
HEIGHTS OFFICER LANGAN, AIRWAY  
HEIGHTS OFFICER FLAVEL, AIRWAY  
HEIGHTS OFFICER BRIAN NEWMAN,

22 Defendants.

NO.

COMPLAINT  
FOR DAMAGES

23 COME NOW Plaintiff CURTIS LOBDELL and DANIELLE LOBDELL, by and  
24 through their attorney, Douglas D. Phelps of Phelps & Associates, P.S., and for cause of  
25 action against the above-entitled defendants alleges as follows:  
26

27 COMPLAINT FOR DAMAGES  
28 (Lobdell v. Spokane County et al...) - Page 1 of 21

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## I. INTRODUCTION

- 1.1 This is a civil action seeking compensatory and punitive damages against the Defendants for committing acts under color of law, depriving the Plaintiff of rights secured by the United States Constitution and the laws of the United States. Defendant, COUNTY OF SPOKANE, CITY OF AIRWAY HEIGHTS, SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH, SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI, SPOKANE COUNTY SHERIFF DEPUTY GUNTER, AIRWAY HEIGHTS POLICE CHIEF BRAD RICHMOND, AIRWAY HEIGHTS AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH, AIRWAY HEIGHTS OFFICER ROBERT SEAN, AIRWAY HEIGHTS AIRWAY HEIGHTS OFFICER LANGAN, AIRWAY HEIGHTS AIRWAY HEIGHTS OFFICER FLAVEL, and AIRWAY HEIGHTS OFFICER BRIAN NEWMAN, while acting in their capacity as employees of the County of Spokane and City of Airway Heights, acted to and did in fact deprive the Plaintiff of his constitutional rights.
- 1.2 Additionally, the acts of the County of Spokane, Spokane County Sheriff Ozzie Knezovich, and City of Airway Heights violated the Plaintiff's rights pursuant to the United States Constitution, 42 U.S.C. § 1983 and 1988, under the Civil Rights Act of 1971 and common law.
- 1.3 The Plaintiffs home was searched without the authority of law.
- 1.4 The Defendants conspired, decided, and acted in concert to conduct the search without a search warrant recognizing this was a violation of the Plaintiffs 4<sup>th</sup> and 14<sup>th</sup> Amendment Rights.
- 1.5 The Plaintiff suffered injury after he was arrested without the authority of law based upon evidence obtained in violation of his constitutional rights.

## II. JURISDICTION & PARTIES

COMPLAINT FOR DAMAGES  
(Lobdell v. Spokane County et al...) - Page 2 of 21

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1       2.1     This action is brought pursuant to 42 U.S.C. § 1983 and 1988, under the Civil  
2       Rights Act of 1971, alleging that the Defendants acted under the color of law,  
3       depriving the Plaintiff of his rights, privileges, and immunities as guaranteed  
4       by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States  
5       Constitution.

6       2.2     This Court has jurisdiction of this cause under 28 U.S.C. § 1331 and 1343 and  
7       42 U.S.C. § 1983.

8       2.3     All acts and omissions complained of occurred in the Eastern District of  
9       Washington.

10      2.4     Plaintiff CURTIS LOBDELL, at all times material hereto, is and was a  
11      resident of City of Airway Heights, Spokane County, State of Washington.

12      2.5     Defendant COUNTY OF SPOKANE is a governmental entity organized  
13      under the Revised Code of Washington and located in Spokane County, State  
14      of Washington.

15      2.6     Defendant SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH, at the  
16      time of the incident alleged in this complaint, was the Sheriff for the Spokane  
17      County Sheriff's Department.

18      2.7     Defendants SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI and  
19      SPOKANE COUNTY SHERIFF DEPUTY GUNTER were duly appointed  
20      sheriff's deputies of the Spokane County Sheriff's Department and are  
21      believed to have been residents of Spokane County, State of Washington at  
22      the time of the acts described below.

23      2.8     Defendant AIRWAY HEIGHTS POLICE CHIEF BRAD RICHMOND, at the  
24      time of the incident alleged in this complaint, was the Chief of Police for the  
25      City of Airway Heights Police Department.

26      2.9     Defendants AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH,  
27      AIRWAY HEIGHTS OFFICER ROBERT SWAN, AIRWAY HEIGHTS  
28      OFFICER LANGAN, AIRWAY HEIGHTS OFFICER FLAVEL, and

AIRWAY HEIGHTS OFFICER BRIAN NEWMAN were duly appointed police officers of the Airway Heights Police Department and are believed to have been residents of Spokane County, State of Washington at the time of the acts described below.

- 2.10 All defendants are believed to reside in Spokane County, Washington and were actors in actions constituting the violations occurring in the Eastern District of Washington.
- 2.11 The venue is proper in the Eastern District of Washington under 28 U.S.C. § 1391 in that the Defendants and Plaintiff resided in, and the cause of action arises in, the Eastern District of Washington.

### III. FACTS

- 3.1 On or about February 24, 2020, AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH responded to the residence of CURTIS LOBDELL and DANIELLE LOBDELL located at 2011 S. Craig Road #52 in the CITY OF AIRWAY HEIGHTS.
- 3.2 Prior to AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH arriving, dispatch advised CURTIS LOBDELL and DANIELLE LOBDELL had an argument, Mr. Lobdell was intoxicated, and allegedly displayed a gun. Mrs. Lobdell left the house while her two children remained in the home with their father (Mr. Lobdell).
- 3.3 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH went to the door of the home and demanded CURTIS LOBDELL come out of the house.
- 3.4 CURTIS LOBDELL exited the house with his hands above his head, AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH ordered CURTIS LOBDELL to face the house and get on his knees.
- 3.5 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH confirmed with CURTIS LOBDELL that there was nobody else in the house other than the

children.

3.6 CURTIS LOBDELL followed all instructions that were given and was placed into handcuffs by AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH.

3.7 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH escorted CURTIS LOBDELL to the patrol car and placed CURTIS LOBDELL in the back seat of the patrol car.

3.8 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH asked CURTIS LOBDELL “where the gun was” as he questioned, the handcuffed CURTIS LOBDELL in the back of the squad car.

3.9 CURTIS LOBDELL denied having a gun and stated that there was no gun in the house.

3.10 DANIELLE LOBDELL advised law enforcement that the only people inside the house were her husband, CURTIS LOBDELL, and her two children.

3.11 SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI, SPOKANE COUNTY SHERIFF DEPUTY GUNTER, AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH, AIRWAY HEIGHTS OFFICER ROBERT SWAN, AIRWAY HEIGHTS OFFICER FLAVEL, AIRWAY HEIGHTS OFFICER LANGAN and AIRWAY HEIGHTS OFFICER BRIAN NEWMAN did not reasonably believe that there was a dangerous individual in the house as law enforcement officers had detained and removed CURTIS LOBDELL from the home.

3.12 SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI, SPOKANE COUNTY SHERIFF DEPUTY GUNTER, AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH, AIRWAY HEIGHTS OFFICER ROBERT SWAN, AIRWAY HEIGHTS OFFICER FLAVEL, AIRWAY HEIGHTS OFFICER LANGAN and AIRWAY HEIGHTS OFFICER BRIAN NEWMAN entered the house of CURTIS LOBDELL and DANIELLE LOBDELL to perform a “protective sweep” (a quick and limited search of premises, incident to an

1 arrest and conducted to protect the safety of police officers or others) and to  
2 check the welfare of the children.

3 3.13 SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI, SPOKANE  
4 COUNTY SHERIFF DEPUTY GUNTER, AIRWAY HEIGHTS OFFICER  
5 PATRICK CARBAUGH, AIRWAY HEIGHTS OFFICER ROBERT SWAN,  
6 AIRWAY HEIGHTS OFFICER FLAVEL, AIRWAY HEIGHTS OFFICER  
7 LANGAN and AIRWAY HEIGHTS OFFICER BRIAN NEWMAN  
8 performed the “protective sweep” not to locate a dangerous individual but to  
9 locate the firearm. Searching for a firearm is not a quick and limited search of  
10 the premises, making the “protective sweep” a violation of CURTIS  
11 LOBDELL and DANIELLE LOBDELL’s constitutional rights by  
12 misapplying and abusing the contours of the “protective sweep”.

13 3.14 DANIELLE LOBDELL was allowed to enter the residence after it had been  
14 searched by the Officers.

15 3.15 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH contact  
16 DANIELLE LOBDELL in the children’s bedroom and asked her to step out  
17 into the living room to talk.

18 3.16 DANIELLE LOBDELL advised AIRWAY HEIGHTS OFFICER PATRICK  
19 CARBAUGH that they have been having marital problems and the following  
20 occurred: (paragraph 3.1 to 3.27).

21 3.17 DANIELLE LOBDELL got off work and noticed that there was an empty  
22 bottle of Jamieson Whiskey on the kitchen counter and found CURTIS  
23 LOBDELL to be intoxicated.

24 3.18 CURTIS LOBDELL confronted DANIELLE LOBDELL and started to  
25 question her, following her around the house asking her questions, making  
26 gestures across his neck, and threatening to take her to court to take the  
27 children away from her.

28 3.19 DANIELLE LOBDELL told CURTIS LOBDELL to leave her alone and let

1 her go to bed and DANIELLE LOBDELL entered into the children's bedroom  
2 to avoid CURTIS LOBDELL in hopes that he would not wake up the  
3 children.

4 3.20 CURTIS LOBDELL entered into the children's bedroom, standing over  
5 DANIELLE LOBDELL and demanded her cell phone.

6 3.21 DANIELLE LOBDELL refused, and CURTIS LOBDELL grabbed her wrists  
7 and demanded her cell phone again.

8 3.22 CURTIS LOBDELL exited the children's bedroom and went into their  
9 bedroom and DANIELLE LOBDELL thought she had heard the  
10 cocking/loading of a gun.

11 3.23 DANIELLE LOBDELL went to their bedroom and found CURTIS  
12 LOBDELL standing with his hands behind his back with an empty gun case  
13 on the bed.

14 3.24 DANIELLE LOBDELL walked out of the bedroom and went to the kitchen  
15 intending to leave the house.

16 3.25 CURTIS LOBDELL followed DANIELLE LOBDELL with his hands still  
17 behind his back. DANIELLE LOBDELL attempted to leave the house, but  
18 CURTIS LOBDELL was right behind her and slammed the door closed.

19 3.26 DANIELLE LOBDELL shoved CURTIS LOBDELL away from the door and  
20 left the house waiting for the police.

21 3.27 DANIELLE LOBDELL never saw any firearm but believed CURTIS  
22 LOBDELL was in possession of a firearm.

23 3.28 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH asked DANIELLE  
24 LOBDELL if she knew where the firearm was currently and Ms. Lobdell  
25 escorted AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH to their  
26 bedroom and said that the last place that she saw the gun case was on top of a  
27 storage tote near the bed.

28 3.29 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH searched the



surrounding area for the firearm but could not find anything.

3.30 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH exited the house and approached CURTIS LOBDELL in the patrol car. AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH read CURTIS LOBDELL his rights and CURTIS LOBDELL said that he understood his rights and did not want to speak with him without an attorney.

3.31 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH entered into the house and found DANIELLE LOBDELL in the children's bedroom.

3.32 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH talked to Mrs. Lobdell about the incident when her son, William, stated he saw CURTIS LOBDELL following his mom while holding a gun and her daughter, Faith, stated she thought she heard the sound of a gun being loaded too.

3.33 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH believed he had enough evidence to arrest CURTIS LOBDELL for Felony Harassment Threats to Kill DV.

3.34 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH was not aware that at that time that CURTIS LOBDELL was a convicted felon.

3.35 Alleging a false community care function and duty to protect the children, AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH request to have SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI, SPOKANE COUNTY SHERIFF DEPUTY GUNTER, AIRWAY HEIGHTS OFFICER ROBERT SWAN, AIRWAY HEIGHTS OFFICER LANGAN, AIRWAY HEIGHTS OFFICER FLAVEL, AIRWAY HEIGHTS OFFICER BRIAN NEWMAN, and JOHN/JANE DOE 1-10 do a search for the loaded firearm.

3.36 In body cam videos Officer Patrick Carbough and Deputy Giacomini can be heard discussing that the search was a violation of the Plaintiff's rights but decided they will go forward with the search in violation of the Plaintiff's rights.



1           3.37   AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH contact CURTIS  
2           LOBDELL again and advised him of the situation and concerns about a  
3           loaded gun in the house with children present. AIRWAY HEIGHTS  
4           OFFICER PATRICK CARBAUGH violated Mr. CURTIS LOBDELL's Fifth  
5           Amendment Rights and questioned MR. CURTIS LOBDELL without any  
6           attorney being present.

7           3.38   AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH asked CURTIS  
8           LOBDELL where the firearm was and MR. CURTIS LOBDELL again denied  
9           owning or having any firearm in the house.

10          3.39   SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI advised AIRWAY  
11          HEIGHTS OFFICER PATRICK CARBAUGH he located the firearm in  
12          CURTIS LOBDELL and DANIELLE LOBDELL's bedroom.

13          3.40   On the bed of DANIELLE LOBDELL and CURTIS LOBELL was an  
14          unlocked metal camo gun case, inside was an unloaded black Astra 9mm  
15          pistol, 9mm ammo and magazines, .380 ammo and magazines, and .270 rifle  
16          ammo and magazine.

17          3.41   SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI advised AIRWAY  
18          HEIGHTS OFFICER PATRICK CARBAUGH that the gun case was  
19          unlocked under their bed.

20          3.42   AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH walked out of the  
21          house and was advised by AIRWAY HEIGHTS OFFICER LANGAN who  
22          advised that CURTIS LOBDELL was a convicted felon. AIRWAY  
23          HEIGHTS OFFICER PATRICK CARBAUGH requested dispatch to provide  
24          a copy of his criminal history.

25          3.43   AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH arrested CURTIS  
26          LOBDELL with Felony Harassment Threats to Kill DV and Unlawful  
27          Possession of a Firearm 1<sup>st</sup>. CURTIS LOBDELL was transported to the  
28          Spokane County Jail.

1 3.44 CURTIS LOBDELL was ultimately charged with assault 2<sup>nd</sup> degree with a  
2 deadly firearm and unlawful possession of a firearm 1<sup>st</sup> degree.

3 3.45 Ultimately all charges against CURTUS LOBDELL were dismissed except  
4 for one count of gross misdemeanor harassment, DV to which Mr. CUTIS  
5 LOBDELL pled guilty.

6 **IV. CAUSE OF ACTION FOR NEGLIGENT TRAINING, RETENTION, AND**  
7 **SUPERVISION**

8 Plaintiffs CURTIS LOBDELL and DANIELLE LOBDELL re-alleges and  
9 incorporates paragraph 3.1 to 3.45 as paragraphs 4.1 to 4.45.

10 4.46 That Defendants COUNTY OF SPOKANE, CITY OF AIRWAY HEIGHTS,  
11 SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH, and AIRWAY  
12 HEIGHT POLICE CHIEF BRAD RICHMOND are liable for the actions of their  
13 employees for failing to train said employees in procedures involving police  
14 searches, protecting citizens 4<sup>th</sup> and 5<sup>th</sup> Amendment Rights in interactions with  
15 citizens, and training to prevent the unlawful, questioning, search, and seizure  
16 resulted in the injury to CURTIS LOBDELL and DANIELLE LOBDELL.

17 4.47 That as a result of the actions or inactions of the employees of SPOKANE  
18 COUNTY SHERIFF OZZIE KNEZOVICH, COUNTY OF SPOKANE,  
19 AIRWAY HEIGHTS POLICE CHIEF BRAD RICHMOND, and CITY OF  
20 AIRWAY HEIGHTS, CURTIS LOBDELL and DANIELLE LOBDELL suffered  
21 and continues to suffer injury.

22 4.48 That SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH, COUNTY OF  
23 SPOKANE, AIRWAY HEIGHTS POLICE CHIEF BRAD RICHMOND, and  
24 CITY OF AIRWAY HEIGHTS failed to adequately and fully train law  
25 enforcement officers, on observing constitutional rights of citizens resulting in  
26 the injury of CURTIS LOBDELL and DANIELLE LOBDELL.

1 4.49 That as a result of the negligent training, CURTIS LOBDELL and DANIELLE  
2 LOBDELL suffered and continues to suffer injury.

3 4.50 That Defendants SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH,  
4 COUNTY OF SPOKANE, AIRWAY HEIGHTS POLICE CHIEF BRAD  
5 RICHMOND and CITY OF AIRWAY HEIGHTS, are liable for the actions of  
6 their employees for failing to supervise said employees in procedures involving  
7 police searches, interrogations, and interactions with citizens, which resulted in  
8 the injury to CURTIS LOBDELL and DANIELLE LOBDELL.

9 4.51 That as a result of the actions or inactions of the employees of SPOKANE  
10 COUNTY SHERIFF OZZIE KNEZOVICH, COUNTY OF SPOKANE,  
11 AIRWAY HEIGHTS POLICE CHIEF BRAD RICHMOND, and CITY OF  
12 AIRWAY HEIGHTS, CURTIS LOBDELL and DANIELLE LOBDELL suffered  
13 and continues to suffer injury.

14 4.52 That SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH, COUNTY OF  
15 SPOKANE, AIRWAY HEIGHTS POLICE CHIEF BRAD RICHMOND, and  
16 CITY OF AIRWAY HEIGHTS failed to adequately and fully supervise law  
17 enforcement officers to avoid violations of citizens constitutional rights, resulting  
18 in the injury of CURTIS LOBDELL and DANIELLE LOBDELL.

19 4.53 That as a result of the negligent supervision, CURTIS LOBDELL and DANIELL  
20 LOBDELL suffered and continues to suffer injury.

21 **V. CAUSE OF ACTION FOR COMMON LAW NEGLIGENCE**

22 Plaintiffs CURTIS LOBDELL and DANIELLE LOBDELL re-alleges and  
23 incorporates paragraph 3.1 to 3.45 as paragraphs 5.1 to 5.45.

24 5.46 That the Defendants COUNTY OF SPOKANE and CITY OF AIRWAY  
25 HEIGHTS, including SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH  
26 and AIRWAY HEIGHTS POLICE CHIEF BRAD RICHMOND, failed to

1 prevent injury to Plaintiffs CURTIS LOBDELL and DANIELLE LOBDELL in  
2 violation of their common law duty to properly train law enforcement staff in  
3 how to conduct investigations and protecting citizens 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup>  
Amendment Rights.

4 5.47 That the Defendants COUNTY OF SPOKANE and CITY OF AIRWAY  
5 HEIGHTS, including SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH  
6 and AIRWAY HEIGHTS POLICE CHIEF BRAD RICHMOND failed to train  
7 law enforcement staff including SPOKANE COUNTY SHERIFF DEPUTY  
8 GIACOMINI, SPOKANE COUNTY SHERIFF DEPUTY GUNTER, AIRWAY  
9 HEIGHTS OFFICER PATRICK CARBAUGH, AIRWAY HEIGHTS OFFICER  
10 ROBERT SWAN, AIRWAY HEIGHTS OFFICER LANGAN, AIRWAY  
11 HEIGHTS OFFICER FLAVEL, AIRWAY HEIGHTS OFFICER BRIAN  
12 NEWMAN, and JOHN/JANE DOE 1-10 that conducting in three warrantless and  
13 unlawful searches were a violation to Mr. Lobdell's Forth Amendment of the  
14 United States Constitution and Article 1,, Section 7 of the Washington State  
Constitution.

15 5.48 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH, SPOKANE  
16 COUNTY SHERIFF DEPUTY GUNTER, SPOKANE COUNTY SHERIFF  
17 DEPUTY GIACOMINI, AIRWAY HEIGHTS OFFICER ROBERT SWAN,  
18 AIRWAY HEIGHTS OFFICER LANGAN, AIRWAY HEIGHTS OFFICER  
19 FLAVEL, AIRWAY HEIGHTS OFFICER BRIAN NEWMAN, and  
20 JOHN/JANE DOE 1-10 acted with negligent and reckless disregard by failing to  
21 obtain a valid search warrant to protect CURTIS LOBDELL and DANIELLE  
LOBDELL's Fourth and 14<sup>th</sup> Amendment Right.

22 5.49 That the Defendants COUNTY OF SPOKANE and CITY OF AIRWAY  
23 HEIGHTS, including SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH  
24 and AIRWAY HEIGHTS POLICE CHIEF BRAD RICHMOND failed to train  
25 law enforcement staff including SPOKANE COUNTY SHERIFF DEPUTY  
26

1 GIACOMINI, SPOKANE COUNTY SHERIFF DEPUTY GUNTER, AIRWAY  
2 HEIGHTS OFFICER PATRICK CARBAUGH, AIRWAY HEIGHTS OFFICER  
3 ROBERT SWAN, AIRWAY HEIGHTS OFFICER LANGAN, AIRWAY  
4 HEIGHTS OFFICER FLAVEL, AIRWAY HEIGHTS OFFICER BRIAN  
5 NEWMAN, and JOHN/JANE DOE 1-10 that continuously interrogating  
6 CURTIS LOBDELL after invoking his right to remain silent and requesting legal  
7 counsel in violation of CURTIS LOBDELL Fifth Amendment Rights.

8 **VI. CAUSE OF ACTION FOR VIOLATION OF PLAINTIFF'S**  
9 **CONSTITUTIONAL RIGHTS UNDER COLOR OF LAW PURSUANT**  
10 **TO 42 USC 1983 (THE CIVIL RIGHTS ACT)**

11 Plaintiffs CURTIS LOBDELL and DANIELLE LOBDELL re-alleges and  
12 incorporates paragraph 3.1 to 3.45 as paragraphs 6.1 to 6.45.

- 13 6.46 The Defendants caused or failed to prevent injury to CURTIS LOBDELL and  
14 DANIELLE LOBDELL in violation of his rights under 42 USC 1983.
- 15 6.47 The Defendants failed to properly investigate the crime against CURTIS  
16 LOBDELL, causing violation to CURTIS LOBDELL and DANIELLE  
17 LOBDELL's rights and causing damages to be sustained.
- 18 6.48 That the Defendants SPOKANE COUNTY. SPOKANE COUNTY SHERIFF  
19 OZZIE KNEZOVICH, CITY OF AIRWAY HEIGHTS, and AIRWAY  
20 HEIGHTS POLICE CHIEF BRAD RICHMOND by custom, policy, or practice  
21 caused the injury to CURTIS LOBDELL and DANIELLE LOBDELL.
- 22 6.49 As a result of the deprivations and violations to CURTIS LOBDELL and  
23 DANIELLE LOBDELL's rights, CURTIS LOBDELL and DANIELLE  
24 LOBDELL suffered and continues to suffer injury and as a result of failing to  
25 properly investigate a crime, protect citizens 4<sup>th</sup> and 5<sup>th</sup> Amendment Rights, and  
26 using improper search and seizure techniques, including but not limited to

psychological and emotional damages.

- 6.50 CURTIS LOBDELL was arrested and charged with Felony Harassment Threats to Kill DV and Unlawful Possession of a Firearm 1<sup>st</sup> degree was without cause and was partly due to the illegal interrogation, warrantless search and seizure performed by law enforcement officers.
- 6.51 Despite this, AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH, SPOKANE COUNTY SHERIFF DEPUTY GUNTER, and SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI use of unlawful interrogation, search and seizure methods of CURTIS LOBDELL and DANIELLE LOBDELL and continuous interrogation of CURTIS LOBDELL in violation of the Fourth and Fifth Amendment to the United States Constitution.
- 6.52 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH, SPOKANE COUNTY SHERIFF DEPUTY GUNTER, and SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI unlawfully search and seizure of CURTIS LOBDELL and DANIELLE LOBDELL's residence without proper consent from CURTIS LOBDELL in violation of the Fourth Amendment of the United States Constitution.
- 6.53 AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH, SPOKANE COUNTY SHERIFF DEPUTY GUNTER, and SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI unlawfully searched without reasonable, probable cause of permission from CURTIS LOBDELL in violations of the Fourth, Fifth, and Fourteenth Amendment to the United States Constitution.
- 6.54 As a result of the actions or inactions of SPOKANE COUNTY SHERIFF DEPUTY GUNTER, SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI, AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH, AIRWAY HEIGHTS OFFICE ROBERT SWAN, AIRWAY HEIGHTS OFFICER LANGAN, AIRWAY HEIGHTS OFFICER FLAVEL, and AIRWAY HEIGHTS OFFICER BRIAN NEWMAN, CURTIS LOBDELL and DANIELLE LOBDELL suffered

and continues to suffer injury, including but not limited to injuries that are psychological and emotional stress.

**VII. CAUSE OF ACTION FOR VIOLATION OF PLAINTIFF'S  
CONSTITUTIONAL RIGHTS PURSUANT TO THE CONSTITUTION  
OF THE UNITED STATES AND THE WASHINGTON STATE  
CONSTITUTION**

Plaintiffs CURTIS LOBDELL and DANIELLE LOBDELL re-alleges and incorporates paragraph 3.1 to 3.45 as paragraphs 7.1 to 7.45.

7.46 The Defendants acted with reckless and callous indifference to CURTIS LOBDELL and DANIELLE LOBDELL's rights and failed to prevent injury to CURTIS LOBDELL, which was a violation of his rights pursuant to Article 1 Section 7 of the Washington State Constitution, Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States.

7.47 That SPOKANE COUNTY, SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH, AIRWAY HEIGHTS POLICE CHIEF BRAD RICHMOND, and CITY OF AIRWAY HEIGHTS by custom, police, or practice caused the deprivation of the rights of CURTIS LOBDELL and DANIELLE LOBDELL by continually using illegal search and seizure practices including "protective sweep", consent, and community caretaking depriving the Plaintiffs of their constitutional rights.

7.48 That as a result of the violation to CURTIS LOBDELL and DANIELLE LOBDELL's Washington State and United States Constitutional Rights, CURTIS LOBDELL and DANIELLE LOBDELL suffered and continues to suffer injury as a result of his detainment and injuries.

**VIII. CAUSE OF ACTION FOR *MONELL* LIABILITY**

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1 Plaintiffs CURTIS LOBDELL and DANIELLE LOBDELL re-alleges and  
2 incorporates paragraph 3.1 to 3.45 as paragraphs 8.1 to 8.45.

3 8.46 The acts including failure to investigate, protect citizens 5<sup>th</sup> Amendment, and use  
4 proper search and seizure methods or failures to act of the above individually  
5 names Defendants, acting under the color of state law, deprived CURTIS  
6 LOBDELL of his rights to be free from unreasonable seizure in violation of the  
7 Fourth and Fourteenth Amendment of the United States Constitution and free  
8 from interrogation after invoking his right to remain silent in violation of the  
9 Fifth and Fourteenth Amendment of the United States Constitution, made  
10 applicable to the states through the Fourteenth and Fifth Amendment of the  
11 United States Constitution.

12 8.47 The training policies of CITY OF AIRWAY HEIGHTS, SPOKANE COUNTY,  
13 SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH, and AIRWAY  
14 HEIGHTS POLICE CHIEF BRAD RICHMOND, were not adequate to prevent  
15 violations of law by its police officers or to train its police officers to handle the  
16 usual recurring situations with which they must deal and failing to obtain a  
17 search warrant.

18 8.48 CITY OF AIRWAY HEIGHTS, SPOKANE COUNTY, SPOKANE COUNTY  
19 SHERIFF OZZIE KNEZOVICH, and AIRWAY HEIGHTS POLICE CHIEF  
20 BRAD RICHMOND were deliberately indifferent to the substantial risk that its  
21 policies were inadequate to prevent violations of law by its employees who do  
22 not properly use search and seizure methods, including “protective sweep”,  
23 consent, and community caretaking and for not protecting citizen Miranda Rights  
24 for the known or obvious consequences of tis failure to train its police officers to  
25 handle the usual and recurring situations with which they must deal.

26 8.49 The failure of CITY OF AIRWAY HEIGHTS, SPOKANE COUNTY,  
27 SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH, and AIRWAY  
28

HEIGHTS POLICE CHIEF BRAD RICHMOND to prevent violations of law by its police officer and to provide adequate training to its police officers caused the deprivation of CURTIS LOBDELL and DANIELLE LOBDELL's rights by CITY OF AIRWAY HEIGHTS, SPOKANE COUNTY, and AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH, including SPOKANE COUNTY SHERIFF DEPUTY GUNTER; that is, SPOKANE COUNTY and CITY OF AIRWAY HEIGHTS failures to prevent violations of law by its officers and failures to train its officers is so closely related to deprivations of CURTIS LOBDELL and DANIELLE LOBDELL's rights as to be the moving force of the unreasonable seizure and interrogation of Mr. CURTIS LOBDELL.

8.50 As a result of the violations of the constitutional standards set forth herein, CURTIS LOBDELL was arrested and charged with a felony. CURTIS LOBDELL, suffered and continues to suffer injury as a result, including but not limited to psychological and emotional injuries. The extent of damages will be fully proven at trial.

8.51 Plaintiff was required to hire attorneys to represent him in this matter and is entitled to an award of reasonable attorneys' fees and costs pursuant to 42 U.S.C. §1988.

8.52 Plaintiff has suffered other damages including emotional and psychological due to Defendant's violations of Plaintiff's rights.

### IX. CAUSE OF ACTION FOR MALICIOUS PROSECUTION

Plaintiffs CURTIS LOBDELL and DANIELLE LOBDELL re-alleges and incorporates paragraph 3.1 to 3.45 as paragraphs 9.1 to 9.45.

9.46 CURTIS LOBDELL and DANIELLE LOBDELL have been subjected to criminal prosecution by SPOKANE COUNTY, CITY OF AIRWAY HEIGHTS, SPOKANE COUNTY SHERIFF OZZIE KNEZOVICH, and AIRWAY

HEIGHTS POLICE CHIEF CARBAUGH, for Felony Harassment Threats to Kill DV and Unlawful Possession of a Firearm 1<sup>st</sup> degree.

9.47 The CITY OF AIRWAY HEIGHTS, SPOKANE COUNTY, SPOKANE COUNTY SHERIFF DEPUTY GUNTER, SPOKANE COUNTY SHERIFF DEPUTY GIACOMINI, AIRWAY HEIGHTS OFFICER PATRICK CARBAUGH, AIRWAY HEIGHTS OFFICE ROBERT SWAN, AIRWAY HEIGHTS OFFICER LANGAN, AIRWAY HEIGHTS OFFICER FLAVEL, and AIRWAY HEIGHTS OFFICER BRIAN NEWMAN conspired to prosecute CURTIS LOBDELL for crimes, that were not properly investigated leading to the Plaintiff to be charged for these crimes in violation of his constitutional rights.

9.48 CURTIS LOBDELL has incurred damages as a result of these allegations in terms of damages to his reputation and has incurred attorney's fees and costs in defending from these claims.

#### **X. RELIEF SOUGHT**

WHEREFORE, the Plaintiff prays for judgment against the Defendants, jointly and severally, in an amount that will fairly compensate the Plaintiff for all damages sustained, costs, and reasonable attorneys' fees and costs, interest calculated at the maximum amount allowable by the law, and any other relief the Court deems just, including but not limited to:

- 10.1 Past and future medical expenses
- 10.2 Past and future emotional and psychological counseling costs
- 10.3 Past and future loss of earnings
- 10.4 Permanent and partial impairment of earnings and earning capacity
- 10.5 Pain and suffering
- 10.6 Past and future permanent and partial disability
- 10.7 Loss of enjoyment of life
- 10.8 Past and future special damages

- 1 10.9 Interest calculated at the maximum amount allowable by law,  
including prejudgment interest
- 2 10.10 Injunctive relief to prevent future actions to protect others similarly  
situated
- 3 10.11 Injunctive relief requiring additional training for all defendants regarding  
The Fourth, Fifth, and Fourteenth Amendment Rights of citizens.
- 4 10.12 Punitive damages
- 5 10.13 Actual or compensatory damages
- 6 10.14 Nominal damages
- 7 10.15 Attorneys' fees and cost
- 8 10.16 Cost and disbursements herein in an amount to be proven at the time of  
trial
- 9 10.17 Such other relief as the Court believes is equitable and just.

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14  
15 DATED this 6<sup>th</sup> day of February, 2022.

16 PHELPS & ASSOCIATES, P.S.

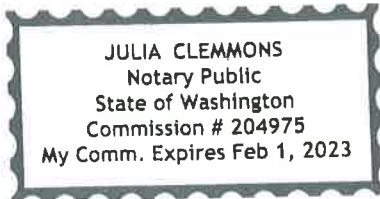
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23 [phelps@phelpslaw1.com](mailto:phelps@phelpslaw1.com)


1 STATE OF WASHINGTON )  
2 ) SS  
3 County of Spokane )

4 CURTIS LOBDELL, being first duly sworn on oath, deposes and states:  
5 I am the named Plaintiff herein; I have read the foregoing Complaint for  
6 Damages, I know the contents thereof, and I believe the same to be true and correct.  
7

8   
9 CURTIS LOBDELL

10 SUBSCRIBED AND SWORN TO before me this 3rd day of February, 2022.



27  
28  
  
NOTARY PUBLIC for the State of Washington  
Residing at Spokane, WA  
My Commission expires: 2 / 23

COMPLAINT FOR DAMAGES  
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1 STATE OF WASHINGTON )  
2 ) SS  
3 County of Spokane )

4 DANIELLE LOBDELL, being first duly sworn on oath, deposes and states:  
5 I am the named Plaintiff herein; I have read the foregoing Complaint for  
6 Damages, I know the contents thereof, and I believe the same to be true and correct.

7   
8 DANIELLE LOBDELL

9 SUBSCRIBED AND SWORN TO before me this 3rd day of February, 2022.



  
NOTARY PUBLIC for the State of Washington  
Residing at Spokane, WA  
My Commission expires: 2/1/23

COMPLAINT FOR DAMAGES  
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